

PROFESSIONAL'S

The Notaries Act, 1952 (53 of 1952)

alongwith

The Notaries Rules, 1956

as amended by

The Notaries (Amendment) Rules, 2009

(G.S.R. 114(E), dated 24-2-2009 with effect from 1-3-2009)

with

State Amendments

2009

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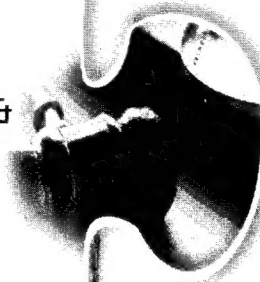
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THE NOTARIES ACT, 1952¹

(53 OF 1952)

[9th August, 1952]

An Act to regulate the profession of notaries.

BE it enacted by Parliament as follows:—

Statement of Objects and Reasons.—Under section 138 of the Negotiable Instruments Act, 1881, the Government of India have the power to appoint notaries public, but only for the limited purpose of performing functions under that Act. By virtue of an ancient English Statute, the Master of Faculties in England used to appoint notaries public in India for performing all recognised notarial functions, but it is no longer appropriate that persons in this country who wish to function as notaries should derive their authority from an institution in the United Kingdom.

The object of the present Bill is to empower the Central and State Governments to appoint notaries, not only for the limited purposes of the Negotiable Instruments Act, but generally for all recognised notarial purposes, and to regulate the profession of such notaries.

A Bill on the subject was accordingly introduced in the provisional Parliament on the 19th April, 1951 and referred to a Select Committee on the 18th August, 1951. The report of the Select Committee was presented on the 4th October, 1951, but the Bill could not be proceeded with in the last session of Parliament for want of time and, therefore, lapsed. Apart from one or two minor drafting changes, the present Bill follows closely the Notaries Bill, 1951, as amended by the Select Committee.

COMMENTS

Notary Public in India is not a person competent to administer oath to a deponent affirming affidavits: *In re, K.K. Ray (Private) Ltd.* A.I.R. 1967 Cal. 636.

1. Short title, extent and commencement.—(1) This Act may be called THE NOTARIES ACT, 1952.

(2) It extends to the whole of India ²[***].

(3) It shall come into force on such date³ as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

⁴[***]

(b) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;

⁵[(c) "legal practitioner" means an advocate entered in any roll under the provisions of the Advocates Act, 1961 (25 of 1961);]

(d) "notary" means a person appointed as such under this Act:

1. The Act has been extended to the Union territories of Goa, Daman and Diu and Dadra and Nagar Haveli by Regulations 12 of 1962 and 6 of 1963 and to Pondicherry by Act 26 of 1968, S. 3 and Sch., and the State of Sikkim by S.O. 213(E), dated 16-5-1975, published in Gazette of India, Ext., Pt. II, S. 3(ii) (w.e.f. 16-5-1975).

2. The words "except the State of Jammu and Kashmir" omitted by Act 25 of 1968, S. 2 and Sch. (w.e.f. 15-8-1968).

3. Brought into force on 14th February, 1956.

4. Cl. (a) omitted by Act 25 of 1968, S. 2 and Sch. (w.e.f. 15-8-1968).

5. Substituted by Act 36 of 1999, S. 2, for Cl. (c) (w.e.f. 17-12-1999).

Provided that for a period of two years from the commencement of this Act, it shall include also a person who, before such commencement, was appointed a notary public ⁶[under] the Negotiable Instruments Act, 1881 (26 of 1881), ⁷[***] and is, immediately before such commencement, in practice in ⁸[any part of India:

Provided further that in relation to the State of Jammu and Kashmir the said period of two years shall be computed from the date on which this Act comes into force in that State;]

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Register" means a Register of Notaries maintained by the Government under section 4;

"[(g) "State Government", in relation to a Union territory, means, the administrator thereof.]

3. Power to appoint notaries.—The Central Government, for the whole or any part of India, and any State Government, for the whole or any part of the State, may appoint as notaries any legal practitioners or other persons who possess such qualifications as may be prescribed.

COMMENTS

A Notary does not hold an office of profit: *Nityananda Behera v. State of Orissa* A.I.R. 1997 Ori. 1 (D.B.).

Commercial importance of the area should be considered while fixing the number of Notaries for each police district: *Rajni Jain v. Lt. Governor of Delhi* A.I.R. 1994 Del. 269 (D.B.).

Selection of husband and wife as Notaries would in principle violate Cl. (d) of sub-R. (3) of R. 7 of the Notaries Rules, 1956: *Rajni Jain v. Lt. Governor of Delhi* A.I.R. 1994 Del. 269 (D.B.).

The petitioners initially submitted memorials for appointment as Notaries. After submission of memorials, the President of the Bar Association was apprised that the memorials of the petitioners besides other persons were not in the prescribed format. Held, in case, the memorials of the petitioners were not in prescribed format, the competent authority ought to have apprised the petitioners directly instead of informing the President of Bar Association. In any view of the matter, the petitioners were candidates for appointment as Notaries and it was no body's case that they were not eligible for appointment as Notary. They could not be said to be interlopers. In such a situation, the petitioners had *locus standi* to canvass the legality or correctness of the action of respondent No. 1 in appointing respondent Nos. 3 to 5 as Notaries: *Suryakant Chandrakar v. State of Madhya Pradesh* A.I.R. 2000 Madh. Pra 260.

A plain reading R. 7(1) of the Notaries Rules, 1956 makes it clear that the competent authority is required to make recommendation either that the application may be allowed for the whole or any part of the area to which the application relates or that it may be rejected. But where the competent authority had just forwarded the memorials of 7 persons including respondents 3 to 5 alongwith the other documents to the State Government for appropriate action, held, non-rejection of the memorials under R. 6 of the Rules and forwarding the same alongwith the documents of the respective memorialists, cannot be construed as recommendation of the competent authority. He has thus failed to discharge his statutory obligation. That being so, appointment of respondents Nos. 3 to 5 as Notaries suffers from procedural *ultra vires* and cannot be allowed: *Suryakant Chandrakar v. State of Madhya Pradesh* A.I.R. 2000 Madh. Pra 260.

6. Substituted by Act 25 of 1968, S. 2 and Sch., for "either under" (w.e.f. 15-8-1968).

7. The words "or by the Master of Faculties in England" omitted by Act 25 of 1968, S. 2 and Sch. (w.e.f. 15-8-1968).

8. Substituted by Act 25 of 1968, S. 2 and Sch., for "any part of India" (w.e.f. 15-8-1968).

9. Substituted by the Adaptation of Laws (No. 3) Order, 1956, for Cl. (g).

4. Registers.—(1) The Central Government and every State Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that Government and entitled to practise as such under this Act.

(2) Every such Register shall include the following particulars about the notary whose name is entered therein, namely:—

- (a) his full name, date of birth, residential and professional address;
- (b) the date on which his name is entered in the Register;
- (c) his qualifications; and
- (d) any other particulars which may be prescribed.

Section 4-A

State Amendment—[Gujarat].—In its application to the State of Gujarat, after S. 4, insert the following section, namely:—

"4-A. Special provision regarding registered Notaries of Gujarat.—(1) Notwithstanding anything contained in this Act, the State Government of Gujarat shall prepare in the form prescribed for a Register required to be maintained under section 4, a Register of Notaries for the State of Gujarat as hereinafter provided.

(2) The State Government of Gujarat shall, by an order published in the Official Gazette, enter in the Register the names of notaries and all particulars relating thereto appearing in the Register maintained immediately before the 1st May, 1960 by the State Government of Bombay (hereinafter referred to as "the Bombay Register") after excluding from such names, the name of any notary whose professional address as recorded in the Bombay Register falls outside the State of Gujarat.

(3) Before making any Order under sub-section (2), the State Government of Gujarat shall make such inquiry as it deems necessary, and give an opportunity to the person whose name is proposed to be excluded from the Register, to make his representation, if any.

(4) On preparation of the Register as aforesaid,—

(a) the Register as so prepared shall, for all purposes of this Act, be deemed to be the Register maintained for the State of Gujarat;

(b) all persons whose names have been entered in the Register shall, for the residue of the period for which they were appointed by the State Government of Bombay, be deemed to have been appointed by the State Government of Gujarat, and accordingly, the certificates of practice issued to them under section 5 shall be deemed to have been amended so as to restrict their area of practice to the State of Gujarat."—Notaries Act (Gujarat Adaptation) Order, 1961.

5. Entry of names in the Register and issue or renewal of certificates of practice.—(1) Every notary who intends to practise as such ¹⁰[may], on payment to the Government appointing him of the prescribed fee, if any, be entitled—

(a) to have his name entered in the Register maintained by that Government under section 4; and

(b) to a certificate authorising him to practise for a period of ¹¹[five years] from the date on which the certificate is issued to him.

¹²(2) The Government appointing the notary, may, on receipt of an application and the prescribed fee, renew the certificate of practice of any notary for a period of five years at a time.]

10. Substituted by Act 36 of 1999, S. 3, for "shall" (w.e.f. 17-12-1999).

11. Substituted by Act 36 of 1999, S. 3, for "three years" (w.e.f. 17-12-1999).

12. Substituted by Act 36 of 1999, S. 3, for sub-S. (2) (w.e.f. 17-12-1999).

Section 5-A

State Amendment—[Maharashtra].—In its application to the State of Maharashtra, after S. 5, insert the following section, namely:—

"5-A. Special provision regarding Register of Notaries for the State of Maharashtra.—

(1) Notwithstanding anything contained in this Act, the State Government of Maharashtra may, by order published in the Official Gazette, amend the Register, maintained before the 1st day of May, 1960, by the State Government of Bombay, by deleting therefrom the name of any notary whose professional address as recorded in the Register, falls outside the State of Maharashtra:

Provided that, before passing any order as aforesaid, the State Government of Maharashtra shall make such inquiry as it deems necessary, and give an opportunity to the person concerned to make his representation, if any.

(2) After the amendment of the Register as aforesaid,—

(a) the Register as so amended shall, for all purposes of this Act, be deemed to be the Register for the State of Maharashtra; and

(b) all persons whose names remain thereon shall (for the residue of the period for which they were appointed by the State Government of Bombay) be deemed to have been appointed by the State Government of Maharashtra and accordingly, the certificates of practice issued to them under section 5 shall be amended so as to restrict their area of practice to the State of Maharashtra."—The Central Acts on State and Concurrent Subjects (Maharashtra Adaptation) Order, 1960 (w.r.e.f. 1-5-1960).

COMMENTS

A Notary does not hold office of profit and, thus, Notary appointed as President of District Consumer Forum can continue to function as Notary: *Nityananda Behra v. State of Orissa* A.I.R. 1997 Ori. 1 (D.B.).

There is no provision in the Notaries Rules, 1956 which lays down that a person who is otherwise qualified to be appointed as a Notary has ceased to be so qualified on his attaining the age of 70 years: *Jagat Jiban Lahiri v. State of West Bengal* A.I.R. 1985 Cal. 140.

S. 5(2) is mandatory and the right of renewal is automatic and there is no discretion vested in the Government to restrict the right only to two renewals: *State of Kerala v. K.U. Narayana Poduval* A.I.R. 1992 Ker. 152 (D.B.).

6. Annual publication of lists of notaries.—The Central Government and every State Government shall, during the month of January each year, publish in the Official Gazette a list of notaries appointed by that Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

7. Seal of notaries.—Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.

8. Functions of notaries.—(1) A notary may do all or any of the following acts by virtue of his office, namely:—

(a) verify, authenticate, certify or attest the execution of any instrument;

(b) present any promissory note, *hundi* or bill of exchange for acceptance or payment or demand better security;

(c) note or protest the dishonour by non-acceptance or non-payment of any promissory note, *hundi* or bill of exchange or protest for better security or prepare acts of honour under the Negotiable Instruments Act, 1881 (26 of 1881), or serve notice of such note or protest;

(d) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters;

(e) administer oath to, or take affidavit from, any person;

(f) prepare bottomry and respondentia bonds, charter parties and other mercantile documents;

(g) prepare, attest or authenticate any instrument intended to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate;

(h) translate, and verify the translation of, any document from, one language into another;

¹³[(h-a) acts as a Commissioner to record evidence in any civil or criminal trial if so directed by any Court or authority;

(h-b) act as an arbitrator, mediator or conciliator, if so required;]

(i) any other act which may be prescribed.

(2) No act specified in sub-section (1) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

COMMENTS

Notary Public is not in the same position as Registering Authority under the Registration Act, 1908, but he combines in himself certain other functions: *Pandurangan v. Sarangapani* A.I.R. 1982 Mad. 372.

An affidavit affirmed before a Notary Public, would not be a proper affidavit, to be used in a proceeding under Art. 226 of the Constitution of India: *Sudebi Sundari Mondal v. State of West Bengal* A.I.R. 1983 Cal. 1.

An admission unless explained furnishes best evidence and since there is no explanation even after opportunity being given in the instant case this admission in affidavit sworn before Notary Public is conclusive proof of formation of partnership and retirement of defendant as partner from the firm: *Broadway Centre v. Gopaldas Bagri* A.I.R. 2002 Cal. 78.

9. Bar of practice without certificate.—(1) Subject to the provisions of this section, no person shall practise as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5:

Provided that nothing in this sub-section shall apply to the presentation of any promissory note, *hundi* or bill of exchange for acceptance or payment by the clerk of a notary acting on behalf of such notary.

(2) Nothing contained in sub-section (1) shall, until the expiry of two years from the commencement of this Act, apply to any such person as is referred to in proviso to clause (d) of section 2:

¹⁴[Provided that in relation to the State of Jammu and Kashmir the said period of two years shall be computed from the date on which this Act comes into force in that State.]

10. Removal of names from Register.—The Government appointing any notary may, by order, remove from the Register maintained by it under section 4 the name of the notary if he—

(a) makes a request to that effect; or

(b) has not paid any prescribed fee required to be paid by him; or

13. Inserted by Act 36 of 1999, S. 4 (w.e.f. 17-12-1999).

14. Inserted by Act 25 of 1968, S. 2 and Sch. (w.e.f. 15-8-1968).

- (c) is an undischarged insolvent; or
- (d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practise as a notary ¹⁵[; or]
- ¹⁵[(e) is convicted by any Court for an offence involving moral turpitude; or
- (f) does not get his certificate of practice renewed.]

COMMENTS

Notary does not hold an office of profit. The fact that a Notary carries on profession is evident from S. 10(d) of the Act, it refers to profession and other misconduct: *Nityananda Behra v. State of Orissa* A.I.R. 1997 Ori. 1 (D.B.).

S. 10 of the Act postulates if the Government want to remove the name from the Register maintained by it, such an action has to be taken after conducting an enquiry in the prescribed manner, which is contemplated under R. 13 of the Rules. If any action is initiated by the Government based on the inspection report, it is contrary to S. 10 of the Act. Removal of the name has to be made based on the enquiry report only and not on the inspection report submitted by the District Registrar, Registration and Stamps: *K. Vishnu v. Government of Andhra Pradesh* A.I.R. 2001 Andh. Pra. 23.

11. Construction of references to notaries public in other laws.—Any reference to a notary public in any other law shall be construed as a reference to a notary entitled to practise under this Act.

12. Penalty for falsely representing to be a notary, etc.—Any person who—

- (a) falsely represents that he is a notary without being appointed as such, or
- (b) practises as a notary or does any notarial act in contravention of section 9,

shall be punishable with imprisonment for a term which may extend to ¹⁶[one year], or with fine, or with both.

13. Cognizance of offence.—(1) No Court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Act save upon complaint in writing made by an officer authorised by the Central Government or a State Government by general or special order in this behalf.

(2) No Magistrate other than a Presidency Magistrate or a Magistrate of the first class shall try an offence punishable under this Act.

14. Reciprocal arrangements for recognition of notarial acts done by foreign notaries.—If the Central Government is satisfied that by the law or practice of any country or place outside India, the notarial acts done by notaries within India are recognised for all or any limited purposes in that country or place, the Central Government may, by notification¹⁷ in the Official Gazette, declare that the notarial acts lawfully done by notaries within such country or place shall be recognised within India for all purposes or, as the case may be, for such limited purposes as may be specified in the notification.

COMMENTS

The provisions of S. 14 do not place any bar in recognising the notarial acts of such countries wherein the notarial acts of Notaries of India are recognised: *Rajesh Wadhwa v. Sushma Govil* A.I.R. 1989 Del. 144.

15. Inserted by Act 36 of 1999, S. 5 (w.e.f. 17-12-1999).

16. Substituted by Act 36 of 1999, S. 3, for "three months" (w.e.f. 17-12-1999).

17. The Central Government has issued such Notifications with regard to Belgium, New Zealand and Ireland.

15. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules¹⁸ to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications of a notary, the form and manner in which applications for appointment as a notary may be made and the disposal of such applications;

(b) the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish;

¹⁹[(c) the fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, area of practice or enlargement of area of practice and exemption whether wholly or in part, from such fees in specified classes of cases;]

(d) the fees payable to a notary for doing any notarial act;

(e) the form of Registers and the particulars to be entered therein;

(f) the form and design of the seal of a notary;

(g) the manner in which inquiries into allegations of professional or other misconduct of notaries may be made;

(h) the acts which a notary may do in addition to those specified in section 8 and the manner in which a notary may perform his functions;

(i) any other matter which has to be, or may be prescribed.

²⁰[(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

16. Amendment of Act 26 of 1881.—[*Repealed by the Repealing and Amending Act, 1957 (36 of 1957), section 2 and Schedule I.*]

18. See the Notaries Rules, 1956. These rules have been extended and enforced in Sikkim on 16-5-1976, see S.O. 213 (E), dated 16-5-1975.

19. Substituted by Act 36 of 1999, S. 7, for Cl. (c) (w.e.f. 17-12-1999).

20. Inserted by Act 20 of 1983, S. 3 and Sch. (w.e.f. 15-3-1984).

THE NOTARIES RULES, 1956¹

In exercise of the powers conferred by section 15 of the Notaries Act, 1952 (53 of 1952), the Central Government hereby makes the following rules, namely:—

1. Short title.—These rules² may be called THE NOTARIES RULES, 1956.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "appropriate Government" means, in relation to a notary appointed by the Central Government, the Central Government and in relation to a notary appointed by the State Government, the State Government;

(b) "Form" means a Form appended to these Rules;

(c) "the Act" means the Notaries Act, 1952 (53 of 1952);

²[(d) "Schedule" means the Schedule appended to these rules.]

³**3. Qualifications for appointment as a notary.**—No person shall be eligible for appointment as a notary unless on the date of the application for such appointment,—

⁴[(a) a person had been practising at least for ten years, or

(aa) a person belonging to Scheduled Castes/Scheduled Tribes and other Backward Classes had been practising at least for seven years, or

(ab) a woman who had been practising at least for seven years, as a legal practitioner, or]

(b) he had been a member of the Indian Legal Service under the Central Government, or

(c) he had been at least for ten years,—

(i) a member of Judicial Service; or

(ii) held an office under the Central Government or a State Government requiring special knowledge of law after enrolment as an advocate; or

(iii) held an office in a department of Judge Advocate General or in the legal department of the armed forces.]

4. Application for appointment as a notary.—^{4a}[(1) A person may make an application for appointment as a notary (hereinafter called "the applicant"), through the concerned District Judge or the Presiding Officer of the Court or Tribunal where he practises as an Advocate, in the Form of memorial addressed to such officer or authority (hereinafter referred to as the "competent authority") of the appropriate Government as that Government may, by notification in the Official Gazette, designate in this behalf.]

³[(2) The memorial shall be drawn by a person referred to in clause (a) of rule 3 in accordance with Form I and by a person referred to in clauses (b) and (c) of the said rule in accordance with Form II.

(3) The memorial of a person referred to in clause (a) of rule 3 shall be signed by the applicant and shall be countersigned by the following persons:—

(a) a Magistrate;

(b) a Manager of a nationalised bank;

(c) a merchant; and

(d) two prominent inhabitants of the local area within which the applicant intends to practise as a notary.]

1. *Vide* S.R.O. 324, dated 14-2-1956, published in the Gazette of India, Ext., Pt. II, S. 3, p. 191, dated 15-2-1956.

2. Inserted by G.S.R. 330(E), dated 9-5-2001 (w.e.f. 10-5-2001).

3. Substituted by G.S.R. 370(E), dated 8-7-1997 (w.e.f. 8-7-1997).

4. Substituted by G.S.R. 17(E), dated 5-1-2000 (w.e.f. 5-1-2000).

4a. Substituted by G.S.R. 114(E), dated 24-2-2009 (w.e.f. 1-3-2009).

⁵[***]

⁶[6. Preliminary action on application.—^{6a}(1) The competent authority shall examine every application received by him and if he is satisfied that the application is not complete in all respects or the applicant does not possess the qualifications specified in rule 3, or, that any previous application of the applicant for appointment as a notary was rejected within six months before the date of the application, shall reject it summarily and inform the applicant accordingly.]

(2) If the competent authority does not reject the application under sub-rule (1),—

⁷[***]

(b) he may, if he thinks fit, ascertain from any Bar Council, Bar Association, Incorporated Law Society or other authority in the area where the applicant proposes to practise, the objections, if any, to the appointment of the applicant as notary, to be submitted within the time fixed for the purpose.]

7. Recommendation of the competent authority.—^{6a}(1) The competent authority shall, after holding such inquiry as he thinks fit and after giving the applicant an opportunity of making his representations against the objections, if any, received within the time fixed under sub-rule (2) of rule 6, make a report to the appropriate Government recommending that the applicant may be allowed to appear before the Interview Board.]

(2) The competent authority shall also make his recommendation in the report under sub-rule (1) regarding the persons by whom the whole or any part of the costs of the application including the cost of hearing, if any, shall be borne.

(3) In making his recommendation under sub-rule (1), the competent authority shall have due regard to the following matters, namely:—

(a) whether the applicant ordinarily resides in the area in which he proposes to practise as a notary;

(b) whether, having regard to the commercial importance of the area in which the applicant proposes to practise and the number of existing notaries practising in the area, it is necessary to appoint any additional notaries for the area;

(c) whether, having regard to his knowledge and experience of commercial law and the nature of the objections, if any, raised in respect of his appointment as a notary, and in the case of a legal practitioner also to the extent of his practice, the applicant is fit to be appointed as a notary;

(d) where the applicant belongs to a firm of legal practitioners, whether, having regard to the number of existing notaries in that firm, it is proper and necessary to appoint any additional notary from that firm; and

(e) where applications from other applicants in respect of the area are pending, whether the applicant is more suitable than such other applicants.]

^{7a}[7-A. Constitution of the Interview Board.—(1) If the appropriate Government allows that the applicant may be asked to appear before the Interview Board, the competent authority shall inform the applicant to appear before the Interview Board, on the date, time and place fixed, to judge the

5. Rule 5 omitted by G.S.R. 151, dated 14-3-1958.

6. Substituted by G.S.R. 151, dated 14-3-1958.

6a. Substituted by G.S.R. 114(E), dated 24-2-2009 (w.e.f. 1-3-2009).

7. Cl. (a) omitted by G.S.R. 370(E), dated 8-7-1997 (w.e.f. 8-7-1997).

7a. Inserted by G.S.R. 114(E), dated 24-2-2009 (w.e.f. 1-3-2009).

competency of the applicant for being appointed as a notary. The Interview Board shall submit its recommendations to the appropriate Government.

(2) For the said purpose, a three members Interview Board shall be constituted by the appropriate Government from amongst its officers dealing with legal matters. The Chairperson of the Interview Board shall not be an officer below the rank of Joint Secretary of that Government.

7-B. Transitional provision.—(1) All the memorials received by the Competent Authority till 28th February, 2009 and which are pending shall be processed/examined in accordance with the provisions of the rules as amended by the Notaries (Amendment) Rules, 2009.

(2) The fresh memorials shall only be submitted on or after 1st July, 2009.]

8. Appointment of a notary.—⁸[(1) ^{8a}[On receipt of the recommendations of the Interview Board the appropriate Government shall consider the recommendation and shall,—]

(a) allow the application in respect of the whole of the area to which it relates; or

(b) allow the application in respect of any part of the area to which it relates; or

(c) reject the application, and shall also make such orders as the Government thinks fit regarding the persons by whom the whole or any part of the cost of the application including the cost of hearing, if any, shall be borne.]

⁹[(2) An applicant shall be informed of every order passed by the appropriate Government under sub-rule (1).

(3) Any applicant whose application has been rejected ¹⁰[or allowed in respect of only a part of the area to which it relates] or against whom an order as to cost has been made under sub-rule (1) may, within sixty days of the date of the order apply to the appropriate Government for reviewing the order and that Government may, after making such further inquiry as it thinks fit pass such order as it considers necessary.]

¹¹[(4)] Where the application is allowed, the appropriate Government shall appoint the applicant as a notary and direct his name to be entered in the Register of Notaries maintained by that Government under section 4 of the Act and issue to him a certificate on payment of prescribed fees authorizing him to practise in the area to which the application relates or in such part thereof as the appropriate Government may specify in the certificate, as a notary for a period of ¹²[five years] from the date on which the certificate is issued to him.

¹³[(4-A) The appropriate Government may on and after the 9th May, 2001, appoint notaries in a State or Union territory, as the case may be, not exceeding the number of notaries specified in the Schedule:

Provided that the number of notaries whose certificate of practice has been renewed under sub-section (2) of section 5 of the Act shall be included in the total number of notaries appointed for the purpose of counting the total number of notaries specified in the Schedule:

Provided further that if in a State or Union territory the number of notaries appointed before the ninth day of May, 2001 exceeds the number of notaries

8. Substituted by G.S.R. 151, dated 14-3-1958.

8a. Substituted by G.S.R. 114(E), dated 24-2-2009 (w.e.f. 1-3-2009).

9. Inserted by G.S.R. 151, dated 14-3-1958.

10. Inserted by G.S.R. 1056, dated 8-11-1958.

11. Renumbered by G.S.R. 151, dated 14-3-1958.

12. Substituted by G.S.R. 262(E), dated 28-3-2000 (w.e.f. 28-3-2000).

13. Inserted by G.S.R. 330(E), dated 9-5-2001 (w.e.f. 10-5-2001).

specified in the Schedule, such notaries shall continue to be so appointed in that State or Union territory, as the case may be.]

¹⁴[¹⁵(5)] The Register of Notaries shall be in Form II-A and the certificate of practice shall be in Form II-B.]

¹⁶[**8-A. Extension of area of practice.**—A notary public who is already in possession of a certificate of practice in respect of a particular area, may for sufficient reasons, apply for extension of his area of practice. If the original certificate of practice had been issued by a State Government and the new area of practice applied for lies within the territory of that State, the application for extension of the area of practice shall be made to that State Government. In all cases where the original certificate of practice had been issued by the Central Government, the application for extension of the area of practice shall be made to the Central Government. Applications for the extension of the area of practice where the new area lies either wholly outside the State or partly inside and partly outside the State which granted the original certificate shall be made to the Central Government for the issue of a fresh certificate. The State Government or the Central Government, as the case may be, shall, after considering the reasons stated in the application and other factors, pass such orders thereon as it may deem fit. Any extension of the area of the practice shall not have the effect of extending the period of validity of the original certificate beyond the period of ¹⁷[five years] specified in rule 8(4).]

¹⁸[**8-B. Renewal of certificate of practice.**—The certificate of practice issued under sub-rule (4) of rule 8 may be renewed for a further period of five years on payment of prescribed fee. An application for renewal of Certificate of Practice shall be submitted to the appropriate Government before three months from the date of expiry of its period of validity:

Provided that the appropriate Government may, after considering the reasons stated in the application, relax the condition of submission of application for renewal of certificate of practice before the above specified period.]

¹⁹[**9. Fees for issue and renewal of certificate of practice and extension of area.**—The fees for issue and renewal of certificate of practice and extension of area shall be as under:—

(a) issue of certificate of practice	Rs.	1000
(b) extension of area of practice	Rs.	750
(c) renewal of certificate of practice	Rs.	500
(d) issue of a duplicate certificate of practice	Rs.	300.

10. Fees payable to a notary for doing any notarial act.—²⁰[(1) Every notary may charge fees not exceeding the rates mentioned below, namely:—

(a) for noting an instrument—	
if the amount of the instrument does not exceed rupees 10,000	—Rs. 35
if it exceeds rupees 10,000 but does not exceed rupees 25,000	—Rs. 75
if it exceeds rupees 25,000 but does not exceed rupees 50,000	—Rs. 110
if it exceeds 50,000	—Rs. 150

14. Inserted by S.R.O. 1353, dated 6-6-1956.

15. Renumbered by G.S.R. 1056, dated 30-10-1958.

16. Inserted by G.S.R. 1056, dated 30-10-1958.

17. Substituted by G.S.R. 262(E), dated 28-3-2000 (w.e.f. 28-3-2000).

18. Inserted by G.S.R. 686(E), dated 31-10-2007 (w.e.f. 31-10-2007).

19. Substituted by G.S.R. 370(E), dated 8-7-1997 (w.e.f. 8-7-1997).

20. Substituted by G.S.R. 630(E), dated 21-7-2000 (w.e.f. 21-7-2000).

- (b) for protesting an instrument:—
 if the amount of the instrument does not exceed rupees 10,000 —Rs. 35
 if it exceeds rupees 10,000 but does not exceed rupees 25,000 —Rs. 75
 if it exceeds rupees 25,000 but does not exceed rupees 1,00,000 —Rs. 110
 if it exceeds rupees 1,00,000 —Rs. 150
 (c) for recording a declaration of payment for honour —Rs. 75
 (d) duplicate protests —half the charge for original
 (e) for verifying, authenticating, certifying or attesting the execution of any instrument —Rs. 15
 (f) for presenting any promissory note, *hundi* or bill of exchange for acceptance or payment or demanding better security —Rs. 35
 (g) for administering oath to, or taking affidavit from any person —Rs. 15
 (h) for preparing any instrument intended to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate —Rs. 150
 (i) for attesting or authenticating any instrument to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate —Rs. 150
 (j) for translating and verifying the translation of any document from one language to another —Rs. 75
 (k) for noting and drawing up ship's protest, boat protest or protest relating to demurrage and other commercial matters —Rs. 150
 (l) for certifying copies of documents as true per page copies of the original —Rs. 5 per page minimum Rs. 10
 (m) for any other notarial act such sum as the appropriate Government may fix from time to time.]

(2) The rates of fees to be charged by a notary shall be displayed by him in conspicuous place inside as well as outside his chamber or office.

(3) In addition to the above fees, a notary may charge the travelling allowance by road or by rail at the rate of rupees five per kilometre.]

11. Transaction of business by a notary.—(1) A notary in transacting the business under the Act shall use the Forms set forth in the Appendix to these rules.

²¹[(2) Besides recording declaration of payment for honour a notary shall also register nothings and protests made. Every notary shall maintain a notarial register in the prescribed Form XV.]

21. Substituted by S.O. 83, dated 28-12-1965.

(3) Where any demand of acceptance or payment or better security has been made by a clerk, a notary shall, after examination of the entry in the Register relating to such demand, affix his signature thereto, and cause the clerk to affix his signature also to the entry.

(4) Each notary shall, before bringing the Notarial Register into use, add a certificate on the title page specifying the number of pages it contains. Such certificate shall be signed and dated by the notary.

(5) Every notary shall permit the District Judge or such officers as the appropriate Government from time to time appoint in this behalf to inspect his register at such times, not often than twice a year, as the District Judge or officer may fix. District Judge or officer appointed by the State Government will have power to lodge a report to the appropriate Government for taking action against a notary.

(6) When the original instrument is in a language other than, English, any noting or protest or entry in his register which has to be made in respect of the instrument by a notary may be made either in that language or in English.

(7) In making presentment of bills or notes a notary shall observe the provisions of Chapter V of the Negotiable Instruments Act, 1881 (26 of 1881).

(8) The notary may—

✓ (1) draw, attest or certify documents under his official seal including conveyance of properties;

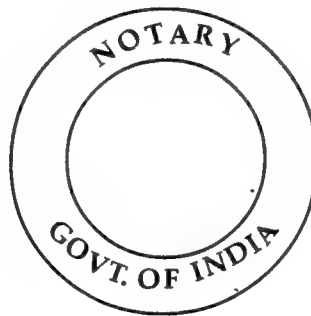
(2) note and certify the general transactions relating to negotiable instruments;

✓ (3) prepare a will or other testamentary documents; and

(4) prepare and take affidavits for various purposes for his notarial acts.

(9) Every notary shall grant a receipt for the fees and charges realised by him and maintain a register showing all the fees and charges realised.

²²[12. Seal of notary.—Every notary shall use a plain circular seal of a diameter of 5 cm. as indicated by a drawing given below, bearing his name, the name of the areas within which he has been appointed to exercise his functions, the registration number and the circumscription "NOTARY", and the name of the Government which appointed him.]



22. Substituted by G.S.R. 370(E), dated 8-7-1997 (w.e.f. 8-7-1997).

²³[13. Inquiry into the allegations of professional or other misconduct of a notary.—²⁴(1) An inquiry into the misconduct of a notary may be initiated either *suo motu* by the appropriate Government or on a complaint received in Form XIII.]

(2) Every such complaint shall contain the following particulars, namely:—

(a) the acts and omissions which, if proved, would render the person complained against unfit to be a notary;

(b) the oral or documentary evidence relied upon in support of the allegations made in the complaint.

(3) The appropriate Government shall return a complaint which is not in the proper Form or which does not contain the aforesaid particulars to the complainant for representation after compliance with such objections and within such times as the appropriate Government may specify:

Provided that if the subject-matter in a complaint is, in the opinion of the said Government substantially the same as or covered by, any previous complaint and if there is no additional ground, the said Government shall file the said complaint without any further action and inform the complainant accordingly.

(4) Within sixty days ordinarily of the receipt of complaint, the appropriate Government shall send a copy thereof to the notary at his address as entered in the Registered of Notaries.

²⁵[(4-A) Where an inquiry is initiated, *suo motu* by the appropriate Government, the appropriate Government shall send to the notary a statement specifying the charge or charges against him, together with particulars of the oral or documentary evidence relied upon in support of such charge or charges.]

(5) ²⁴[A notary against whom an inquiry has been initiated may, within fourteen days of the service on him of a copy of the complaint under sub-rule (4) or of the statement of the charges under sub-rule (4-A), as the case may be,] or within such time as may be extended by the appropriate Government, forward to that Government a written statement in his defence verified in the same manner as a pleading in a Civil Court.

(6) If on a perusal of ²⁴[the written statement,] if any, of the notary concerned and other relevant documents and papers, the appropriate Government consider that there is a *prima facie* case against such notary, the appropriate Government shall cause an inquiry to be made in the matter by the competent authority. If the appropriate Government is of the opinion that there is no *prima facie* case against the notary concerned, ²⁴[the complaint or charge shall be filed] and the complainant and the notary concerned shall be informed accordingly.

²⁶[(7) Every notice issued to a notary under this rule shall be sent to him by registered post. If any such notice is returned unserved with an endorsement indicating that the addressee has refused to accept the notice or

23. Substituted by S.O. 774(E), dated 9-3-1957.

24. Substituted by G.S.R. 1056, dated 30-10-1958.

25. Inserted by G.S.R. 1056, dated 30-10-1958.

26. Substituted by G.S.R. 370(E), dated 8-7-1997 (w.e.f. 8-7-1997).

the notice is not returned unserved within a period of thirty days from the date of its despatch, the notice shall be deemed to have been duly served upon the notary.]

(8) It shall be the duty of the appropriate Government to place before the competent authority all facts brought to its knowledge which are relevant for the purpose of an inquiry by the competent authority.

(9) ²⁷[A notary who is proceeded against] shall have right to defend himself before the competent authority either in person or through a legal practitioner or any other notary.

(10) Except as otherwise provided in these rules, the competent authority shall have the power to regulate his procedure relating to the inquiry in such manner as he considers necessary and during the course of inquiry, may examine witnesses and receive any other oral or documentary evidence.

(11) The competent authority shall submit his report to the Government entrusting him with the inquiry.

(12)(a) The appropriate Government shall consider the report of the competent authority, and if in its opinion a further inquiry is necessary may cause such further inquiry to be made and a further report submitted by the competent authority.

(b) If after considering the report of the competent authority, the appropriate Government is of the opinion that action should be taken against the notary the appropriate Government may make an order—

(i) cancelling the certificate of practice and perpetually debaring the notary from practice; or

(ii) suspending him from practice for a specified period; or

(iii) letting him off with a warning, according to the nature and gravity of the misconduct of the notary proved.

(13) *Notification of removal.*—The removal of the name of any notary from the Register of Notaries from practice, as the case may be, shall be notified in Official Gazette and shall also be communicated in writing to the notary concerned.

²⁸[14. **Submission of returns.**—Every notary shall, in the first week of January every year, submit to the appropriate Government, an annual return in Form XIV of the notarial acts done by him during the preceding year.]

15. Each notary shall have an office within the area mentioned in the certificate issued to him under rule 8 and he shall exhibit it in a conspicuous place threat a board showing his name and his designation as a notary.

16. If a notary has to deal with a case which does not in terms attract any of the Forms prescribed, the notary should adopt the form nearest to his case with such modifications thereto as he thinks the exceptional peculiarities of the case to justify.

²⁹[17. **Annual publication of the list of notaries.**—The list of notaries to be published by the Central Government and every State Government under section 6 of the Act, shall be in the following Form:—

27. Substituted by G.S.R. 1056, dated 30-10-1958.

28. Substituted by S.O. 1285, dated 20-4-1957.

29. Inserted by S.O. 854(E), dated 11-3-1957.

Sl. No.	Name of notary	Residential and professional address	Qualifications	Area in which he is authorised to practise	Remarks
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³⁰[THE SCHEDULE

[See rule 8(4-A)]

Name of State/Union territory	Maximum number of notaries to be appointed by the Central Government	Maximum number of notaries to be appointed by State Government or Union territory Administration
(1)	(2)	(3)
1. Andhra Pradesh	575	³¹ [863]
2. Assam	575	575
3. Bihar	925	925
4. Gujarat	^{31a} [938]	³² [1407]
5. Kerala	³² [563]	³³ [845]
6. Madhya Pradesh	1,125	³¹ [1,688]
7. Tamil Nadu	725	³¹ [1,088]
8. Maharashtra	^{31a} [1,970]	³¹ [1,313]
9. Karnataka	675	³³ [1,013]
10. Orissa	750	750
11. Punjab	^{32a} [957]	425
12. Rajasthan	800	^{33a} [1,200]
13. Uttar Pradesh	1,750	³⁴ [2,625]
14. West Bengal	450	450
15. Jammu and Kashmir	350	³² [525]
16. Nagaland	200	200
17. Haryana	^{31a} [1,070]	475
18. Himachal Pradesh	300	^{31a} [450]
19. Manipur	225	225
20. Tripura	100	100
21. Meghalaya	175	175
22. Sikkim	100	100
23. Mizoram	200	200
24. Arunachal Pradesh	325	325
25. Goa	50	^{31a} [250]
26. Uttaranchal	325	325
27. Chhattisgarh	400	³¹ [600]
28. Jharkhand	450	450
29. Delhi	³¹ [488]	³⁶ [325]
30. Andaman and Nicobar Islands	50	50
31. Lakshadweep	25	25
32. Dadra and Nagar Haveli	25	25
33. Daman and Diu	50	50
34. Pondicherry	100	100
35. Chandigarh	^{31a} [86]	25]

30. Inserted by G.S.R. 330(E), dated 9-5-2001 (w.e.f. 10-5-2001).

31. Substituted by G.S.R. 296(E), dated 19-5-2006 (w.e.f. 19-5-2006).

31a. Substituted by G.S.R. 764(E), dated 3-11-2008 (w.e.f. 3-11-2008).

32. Substituted by G.S.R. 636(E), dated 3-9-2008 (w.e.f. 3-9-2008).

32a. Substituted by G.S.R. 51(E), dated 23-1-2008 (w.e.f. 23-1-2008).

33. Substituted by G.S.R. 686(E), dated 31-10-2007 (w.e.f. 31-10-2007).

33a. Substituted by G.S.R. 319(E), dated 1-5-2007 (w.e.f. 1-5-2007).

34. Substituted by G.S.R. 86(E), dated 14-2-2007 (w.e.f. 15-2-2007).

35. Substituted by G.S.R. 501(E), dated 24-8-2006 (w.e.f. 24-8-2006).

36. Substituted by G.S.R. 460(E), dated 25-6-2001 (w.e.f. 26-6-2001).

37[FORM I
MEMORIAL
[See rule 4(2)]

1. Name of the applicant..... 2. Father's name..... 3. Date of Birth..... 4. Whether SC/ST/OBC/General..... 5. Address (Residence)..... Pin..... Telephone.....Fax.....E-Mail..... Address (Office)..... Pin..... Telephone.....Fax.....E-Mail..... 6. Educational Qualifications (Please attach attested photocopies)..... 7. Enrolment number & date (Please attach attested photocopies)..... 8. Practising in..... Civil side..... Criminal side..... Taxation..... Revenue Courts..... 9. Whether Income-tax assessee..... 10. The memorial of (name of the applicant in block letters) sheweth..... 1. that the memorialist is a person eligible for appointment as a notary under the Notaries Act, 1952, and clause (a) of rule 3 of the Notaries Rules, 1956; 2. that the memorialist resides in.....(here state the name of the local area or name of Court where he intends to practise) and will reside for upwards of.....(state how long); 3. that the number of notaries practising in the local area is insufficient for the requirements thereof (the grounds of statement should be added); 4. that no previous application of the memorialist has been rejected or withdrawn by him, within the preceding six months; The memorialist, therefore, prays that the Government be pleased to appoint and admit him as a notary under and by virtue of the Notaries Act, 1952 (53 of 1952) and clause (a) of rule 3 of the Notaries Rules, 1956 to practise in.....(here state the name of the local area). Dated.....day of.....20.....	<div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> Photograph </div>
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.....
Signature of the applicant

Name and address of signatories	Profession	Name and address of the firm/organisation	Signature with seal
1.			
2.			
3.			
4.			
5.			

37. Form I & Form II substituted by G.S.R. 172(E), dated 12-3-2001 (w.e.f. 12-3-2001).

Note.—Under rule 4(3) the memorial should be countersigned by a Magistrate, a manager of a Nationalised Bank, a merchant and two prominent inhabitants of the area where the intends to practise as a notary.

FORM II

[See rule 4(2)]

1. Name of the applicant.....	Photograph
2. Father's/Husband's name.....	
3. Date of Birth.....	
4. Whether SC/ST/OBC/General.....	
5. Address (Residence).....	
Pin.....	
Telephone.....Fax.....E-Mail.....	
Address (Office).....	
Pin.....	
Telephone.....Fax.....E-Mail.....	
6. Educational Qualifications.....	
7. Date of joining Government service.....	
8. Date of retirement.....	
9. Post held at the time of retirement.....	
10. Area, where the memorialist intends to practise as Notary.....	
Dated.....day of.....20.....	

Signature of the applicant

Note.—Necessary proofs about eligibility under rule 3(b) and (c) of the Notaries Rules, 1956 is to be attached. Rule 3(b) and (c) are as follows—

"3. *Qualifications for appointment as a notary.*—No person shall be eligible for appointment as a notary unless on the date of the application for such appointment,—

(a)

(b) he had been a member of the Indian Legal Service under the Central Government, or

(c) he had at least for ten years,—

(i) been a member of Judicial Service; or

(ii) held an office under the Central Government or a State Government requiring special knowledge of law after enrolment as an advocate; or

(iii) held an office in the Department of Judge Advocate General or in the legal department of an armed forces."]

³⁸[FORM II-A

REGISTER OF NOTARIES

[See rule 8(5)]

Sl. No.	Full name and date of birth of notary	Residential and professional addresses of notary	Date on which the name of notary is entered in the Register	Qualifications of notary	Area in which notary may practise	Remarks

38. Substituted by S.O. 1353, dated 6-6-1956.

³⁹[FORM II-B

[See rule 8(5)]

GOVERNMENT OF.....

(Emblem)

CERTIFICATE OF PRACTICE

Certified that.....son/daughter/wife.....of resident of.....has been appointed as a notary under the Notaries Act, 1952 (53 of 1952) and is authorised to practise as such in and throughout.....for a period of ⁴⁰[three years].....

Given under my hand and seal of the Government of.....this.....day of.....

Dated.....day of.....20.....

⁴¹[Joint Secretary to the Government of India]/
Secretary to the Government of.....
(Name of the State)]

FORM III

FORM OF NOTING FOR DISHONOUR

(See section 8)

(To be made upon the instrument or upon a paper attached thereto, or partly upon each)

Reference to page in Notarial Register.....

Date of presentment and dishonour by non-acceptance/non-payment.....

Reason, if any, assigned for dishonour (or, if the instrument has not been expressly dishonoured, reason why holder treats it as dishonoured).

Date of note.....

.....
Signature of notary

Notary's charges

FORM III-A

FORM OF NOTING FOR DISHONOUR

(See section 8)

(To be entered in the Notarial Register)

(Copy of the bill and endorsements)

On the.....day of.....20.....the above bill was, at the request of.....here give the name), presented by me for acceptance to.....(here give the name), the drawee personally (at his residence or usual place of business) in.....(town or village) and, I received, the following answer:—

.....
(The said bill is, therefore, noted for non-acceptance.)

Place and date.....

.....
Signature of notary

(This note is to be signed in the margin by the notary's clerk also if he presented the bill).

39. Substituted by G.S.R. 870(E), dated 8-7-1997 (w.e.f. 8-7-1997).

40. Substituted by G.S.R. 547(E), dated 31-8-1998, for "five years" (w.e.f. 8-8-1997).

41. Substituted by G.S.R. 73(E), dated 9-2-2007 (w.e.f. 9-2-2007).

FORM IV

FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCEPTANCE

(See section 8)

On the.....day of.....20.....I,.....(here give the name), notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in.....at the request of.....(here give the name) of.....did, at.....in person and having failed to do so, then by registered letter cause due and customary presentment to be made to, and did demand acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and if everything written or printed thereon is hereto annexed") from.....(there give the name), the person upon whom the said bill is drawn, to which demand he made answer (State terms of answer, if any) (or "to which demand he gave no answer") wherefore, I, the said notary, at the request aforesaid, by this writing, do, in the presence of.....(here give the name) and.....(here give the name), witnesses, protest the drawer of the said bill of exchange and all other parties thereto and all other concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of acceptance of the said bill.

Which I attest

Signature of notary

Place and date.....

Signatures of witnesses

(should be of the locality)

1.

2.

FORM IV-A

FORM OF ACTS OF HONOUR

(a) Act of honour on acceptance. (To be written at the foot of the protest).

Afterwards appeared before me, the said notary, on the.....day of.....20.....(here give the name), and declared that he would accept the bill of exchange before protested under protest for the honour and upon the account of.....(here give the name), the second endorser on the said bill.

Holding the second endorser and all others concerned always bound and obliged to indemnify him, the said appearer, for his said acceptance and in case of payment of by him, for his re-imbursement in due form of law and according to custom.

Which I attest

Signature of notary

Place and date.....

(b) Act of honour on payment. (To be written at the foot of the protest).

Afterwards appeared before me, the said notary, on the.....day of.....20.....(here give the name), and declared that he would pay the bill of exchange before protested under protest for the honour and upon the account of.....(here give the name), the endorser on the said bill.

Holding the said endorser and all others concerned always bound and obliged for re-imbursement in due form of law and according to custom.

Amount Rs.

Notarial charges Rs.

Which I attest

Signature of notary

Place and date.....

Received this.....day of.....20....., from.....(here give the name),
the sum of Rs., the amount of the said bill and notarial charges thereon.

.....
Signature of notary

FORM V

FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCEPTANCE WHEN
THE DRAWEE CANNOT BE FOUND

(See section 8)

(a) Where search was made by notary in person.

On the.....day of.....20....., I.....(here give the name), a notary
appointed under the Notaries Act, 1952, of.....in.....(here state the local area for
which the notary has been appointed) in.....at the request of.....(here give the
name), of....., did in person make due search at.....for.....(here give the
name), in order to present to and demand from him acceptance of the bill of exchange hereto
annexed (or "a literal transcript whereof and of everything written or printed thereon is
hereto annexed") which is drawn upon the said.....(here give the name), but was
unable to find him; wherefore I, the said notary, at the request aforesaid, by this writing, do
in the presence of.....(here give the name), and.....(here give the name),
witnesses, protest against the drawer of the said bill of exchange and all other parties thereto
and all others concerned for all exchange, re-exchange and all costs, damages and interest
present and to come for want of acceptance of the said bill.

Which I attest

.....
Signature of notary

Place and date.....

Signatures of witnesses

(should be of the locality)

1.

2.

(b) Where registered letter was sent to the drawee.

On the.....day of.....20....., I.....(here give the name), a notary
appointed under the Notaries Act, 1952, of.....in.....(here state the local area for
which the notary has been appointed) in.....at the request of.....(here give the
name), of....., did send by post a registered letter addressed to.....(here give the
name) at.....wherein I enclosed and demanded from him acceptance of the bill of
exchange thereto annexed (or "a literal transcript whereof and of everything written or
printed thereon is hereto annexed") which is drawn upon the said.....(here give the
name) but the letter was returned undelivered because the said.....(here give the
name) could not be found; wherefore I, the said notary at the request aforesaid, by this
writing, do, in the presence of.....(here give the name) and.....(here give the
name), witnesses, protest against the drawer of the said bill of exchange and all other parties
thereto and all others concerned for all exchange, re-exchange, and all costs, damages and
interest present and to come for want of acceptance of the said bill.

Which I attest

.....
Signature of notary

Place and date.....

Signatures of witnesses

(should be of the locality)

1.

2.

FORM VI

FORM OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON-PAYMENT

(See section 8)

On the.....day of.....20....., I.....(here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in.....at the request of.....(here give the name), of.....did atin person and having failed to do so, then by registered letter, cause due and customary presentment to be made to and did demand payment of the promissory note (or bill of exchange, as the case may be) hereto annexed (or "a literal transcript whereof, and of everything written or printed thereon is hereto annexed") from.....(here give the name), the maker of the said promissory note (or drawee, acceptor, of the said bill of exchange, as the case may be), to which demand he made answer (state the terms of his answer, if any) (or "to which demand he gave answer"); wherefore I, the said notary, at the request aforesaid by this writing, do in the presence of.....(here give the name), and.....(here give the name), witnesses protest against the maker of the said promissory note (or the drawer of the said bill of exchange, as the case may be) and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of payment of the said promissory note (or bill of exchange, as the case may be).

Which I attest

Signature of notary

Place and date.....

Signatures of witnesses
(should be of the locality)

1.

2.

FORM VII

FORM OF PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON-PAYMENT WHEN THE MAKER, DRAWEE, OR ACCEPTOR (AS THE CASE MAY BE) CANNOT BE FOUND

(See section 8)

(a) Where search was made by notary in person.

On the.....day of.....20....., I.....(here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in.....at the request of.....(here give the name), of....., (did in person make due search at.....for.....(here give the name), the maker (or drawee, or acceptor, as the case may be) in order to present to and demand from him payment of the promissory note (or bill of exchange, as the case may be) hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") but was unable to find him; wherefore, I, the said notary, at the request aforesaid, by this writing, do, in the presence of.....(here give the name) and.....(here give the name), witnesses, protest against the maker of the said promissory note (or drawer of said bill of exchange as the case may be) and all other parties thereto and all others, concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of payment of the said promissory note (or bill of exchange, as the case may be).

Which I attest

Signature of notary

Place and date.....

Signatures of witnesses
(should be of the locality)

1.

2.

(b) Where registered letter was sent to the maker, drawee or acceptor.

On the.....day of.....20.....I,.....(here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in....., at the request of.....(here give the name), of....., did send by post a registered letter addressed to.....(here give the name), at.....the maker or drawee, acceptor, as the case may be), wherein I enclosed and demanded from him payment of the promissory note (or bill of exchange as the case may be), hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed"), but the letter was returned undelivered because the said.....(here give the name), could not be found; wherefore I, the said notary, at the request aforesaid, by this writing, do, in the presence of.....(here give the name) and.....(here give the name) witnesses, protest against the maker of the said promissory note (or drawer of said bill of exchange, as the case may be) and all other parties thereto and all others, concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of payment of the said promissory note (or bill of exchange, as the case may be).

Which I attest

.....
Signature of notary

Place and date.....

Signatures of witnesses

(should be of the locality)

1.

2.

FORM VIII

FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY

(See section 8)

On the.....day of.....20.....I,.....(here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in.....at the request of.....(here give the name), did exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") to.....(here give the name), the person on whom the said bill is drawn, and whose acceptance appears thereon, and did demand better security for the payment thereof when the same should become payable in consequence of the said.....(here give the name), having become insolvent (or "his credit having been publicly impeached", as the case may be), to which demand he made answer, state the terms of answer if any, or ("to which demand he gave no answer"); wherefore I, the said notary, at the request aforesaid, by this writing, do, in the presence of.....(here give the name) and.....(here give the name), witnesses, protest against the drawer of said bill of exchange and the acceptor and all other parties thereto, and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest

.....
Signature of notary

Place and date.....

Signatures of witnesses

(should be of the locality)

1.

2.

FORM IX

FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY WHEN
THE ACCEPTOR CANNOT BE FOUND

(See section 8)

(a) Where such protest was made by notary in person.

On the.....day of.....20.....I,.....(here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in.....at the request of.....(here give the name), of.....did not in person make due search at.....for.....(here give the name), in order to exhibit the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") to the said.....(here give the name), the person on whom the said bill is drawn, and whose acceptance appears thereon, and demand better security for the payment thereof, when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached", as the case may be), but was unable to find him; wherefore I, the said notary, at the request aforesaid, by this writing, do, in the presence of.....(here give the name) and.....(here give the name) witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties thereto and all others concerned for all exchange, re-exchange, and all costs, damages, and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest

Signature of notary

Place and date.....

Signatures of witnesses
(should be of the locality)

1.
2.

(b) Where registered letter was sent to the acceptor.

On the.....day of.....19.....I,.....(here give the name), a notary appointed under the Notaries Act, 1952, of.....in.....(here state the local area for which the notary has been appointed) in.....at the request of.....(here give the name), of.....did send by post a registered letter addressed to.....(here give the name), at.....wherein I enclosed the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed"), and did by such letter demand from the said.....(here give the name), the person on whom the said bill is drawn and whose acceptance appears thereon, and demand better security for the payment thereof when the same should become payable in consequence of his having become insolvent (or "his credit having been publicly impeached", as the case may be), but the said letter was returned undelivered because the said.....(here give the name) could not be found; wherefore I, the said notary, at the request aforesaid, by this writing, do, in the presence of.....(here give the name) and.....(here give the name), witnesses, protest against the drawer of the said bill of exchange and the acceptor and all other parties, thereto and all others concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of better security for the payment of the said bill when due and payable.

Which I attest

Signature of notary

Place and date.....

Signatures of witnesses
(should be of the locality)

1.
2.

FORM X

(See section 8)

FORM OF NOTICE OF PROTEST TO DRAWER TO BE GIVEN BY A NOTARY

Take notice that a bill of exchange for.....(here state the amount) drawn by you under date the.....on.....and payable at.....has been dishonoured by non-acceptance (or non-payment, as the case may be) and protested, and that you will be held liable thereon.

.....
Signature of notary

Place and date.....

FORM XI

FORM OF NOTICE OF PROTEST TO ENDORSER TO BE GIVEN BY A NOTARY

(See section 8)

Take notice that a bill of exchange for.....(here state the amount) drawn by.....and payable at.....and bearing your endorsement has been dishonoured by non-acceptance (or non-payment, as the case may be) and protested, and that you will be held liable thereon.

.....
Signature of notary

Place and date.....

FORM XII

FORM OF NOTARIAL ACT OF DECLARATION HAVING BEEN MADE BY
A PAYER FOR HONOUR

(See section 8)

On the.....day of.....20.....I.....(here give the name), a notary appointed under the Notaries Act, 1952, of.....in..... (here state the local area for which the notary has been appointed) in.....do hereby certify that the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereon is hereto annexed") (now protested for non-payment) was this day exhibited to.....(here give the name),.....in the State of.....or to.....(here give the name), his agent in this behalf, as the case may be), who declared before me that he, the said.....(here give the name), would pay the amount of the said bill under protest for the honour of.....(here insert the name of the party for whose honour the payment is to be made), holding the said.....(here insert the name of the party of whose honour the payment is to be made) and the drawer and all other proper persons responsible to him, the said.....(here give the name), for the amount of the said bill and for all proper costs, interest, damages, and expenses; I have, therefore, in the presence of.....(here give the name) and.....(here give the name), witnesses, granted this notarial act of honour accordingly.

Which I attest

.....
Signature of notary

Place and date.....

Signatures of witnesses
(should be of the locality)

1.

2.

⁴²[FORM XIII

FORM OF COMPLAINT

Before the appropriate Government under the Notaries Act, 1952

Between.....Petitioner
and.....Respondent

Petitioner's address.....

Respondent's address.....

Particulars of complaint in paragraphs consecutively numbered.....

Particulars of evidence oral and documentary, if any, to substantiate the complaint.....

Verification

I,....., the petitioner to hereby declare that what is stated above is true to the best of my information and belief.

Verified today the.....day of.....20.....at.....

.....
Signature]

⁴³[FORM XIV

FORM OF RETURN TO BE SUBMITTED BY A NOTARY

(See rule 14)

1. Name and address of notary
2. Registration number
3. Particulars of notarial acts done during the year

Type of work

Name of cases

Fee charged

1. Noting an instrument.
2. Protesting an instrument.
3. Recording a declaration of payment for honour.
4. Duplicate protests.
5. Verifying, authenticating, certifying or attesting the execution of any instrument.
6. Presenting any promissory note, *hundi* or bill of exchange for acceptance or payment or demanding better security.
7. Administering oath to, or taking affidavit from any person.
8. Preparing any instrument intended to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate.
9. Attesting or authenticating any instrument intended to take effect in any

42. Inserted by S.O. 774, dated 8-3-1957.

43. Inserted by S.R.O. 1285, dated 20-3-1957.

country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate.

10. Translating and verifying the translation of, any document from one language into another.
11. Other notarial acts.]

.....
Signature of notary

Place and date.....

*[FORM XV
NOTARIAL REGISTER
(See rule 11(2))

Sl. No.	Date	Name of notarial act	Name of executant or person concerned with full address	Contents of document	Notarial fee-stamp affixed	Prescribed fee	Fee charged	Sl. No. of Receipt Book	Signature of person concerned	Signature of notary]
1	2	3	4	5	6	7	8	9	10	11

44. Inserted by S.O. 83, dated 28-12-1965.

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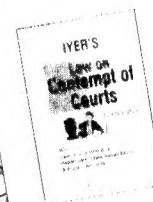
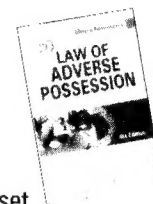
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